

**No. 22-15961**

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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Donald Trump *et al.*,

*Plaintiffs-Appellants,*

v.

Twitter, Inc., and Jack Dorsey,

*Defendants-Appellees.*

On Appeal from the United States District Court  
for the Northern District of California  
No. 3:21-cv-08378-JD  
Hon. James Donato

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**APPELLANT NAOMI WOLF'S UNOPPOSED MOTION FOR  
EXTENSION OF TIME TO FILE REPLY BRIEF; DECLARATION OF  
SCOTT J. STREET**

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**UNOPPOSED MOTION FOR EXTENSION OF TIME  
TO FILE REPLY BRIEF**

Pursuant to Ninth Circuit Rule 31-2.2(b), Appellant Naomi Wolf respectfully submits this unopposed motion for an extension of time in which to file her reply brief.

There is good cause to grant the motion. Dr. Wolf's reply brief is currently due on April 5, 2023. As explained in the attached declaration of Scott J. Street, Dr. Wolf's counsel is currently involved in expedited briefing and argument on multiple summary judgment motions in a Los Angeles Superior Court proceeding. Declaration of Scott J. Street dated March 17, 2023 ("Street Decl."), ¶ 3. Dr. Wolf's counsel is also preparing for a trial that will take place in the Northern District of California during the week of April 17, 2023. *Id.* The requested extension of 60 days will give Dr. Wolf's counsel ample time to complete the reply brief while also attending to those other matters.

Moreover, this appeal involves novel constitutional issues which require thorough briefing, including issues related to the alleged mootness of the case that were not briefed in Dr. Wolf's opening brief. The Court asked Appellants to respond to Twitter's arguments regarding mootness by March 24. Extending Dr. Wolf's time to file the reply brief will give the Court time to address that issue.

Dr. Wolf has not moved for an extension of time before and she does not seek to delay this proceeding. *Id.*, ¶¶ 4-5. Dr. Wolf's counsel has exercised diligence and will file the reply brief within the 60-day period requested. *Id.* In compliance with Circuit Rule 31-2.2(b), this motion is being filed at least seven days before the initial deadline to file Dr. Wolf's reply brief.

Counsel for the parties have met-and-conferred about this request. No party will oppose the request. *Id.*, ¶ 6.

### CONCLUSION

For the reasons stated above, and in Mr. Street's declaration, Dr. Wolf respectfully requests that the Court grant the motion and order that she file her reply brief by June 2, 2023.

Respectfully submitted,

Date: March 17, 2023

JW HOWARD/ATTORNEYS, LTD.

s/ Scott J. Street  
Scott J. Street

*Attorneys for Appellant Naomi Wolf*

**DECLARATION OF SCOTT J. STREET**

I, Scott J. Street, declare as follows:

1. I am an attorney duly licensed to practice before all courts in the state of California and in this Court. I am a partner with the law firm JW Howard Attorneys, Ltd., counsel of record to Appellant Naomi Wolf in this action. I have personal knowledge of the facts set forth in this declaration and could testify competently to them if called to do so.

2. Dr. Wolf is seeking an additional 60 days to file her reply brief in this matter. We are doing that for two reasons.

3. First, Dr. Wolf's reply brief is currently due on April 5, 2023. I am currently involved in expedited briefing and argument on multiple summary judgment motions in a Los Angeles Superior Court proceeding, which will take place on March 30, 2023, and which will consume most of my time over the next few weeks. I am also preparing for a trial that will take place in the Northern District of California during the week of April 17, 2023. That is consuming the rest of my time over the next few weeks, and it will consume virtually all my time until April 24 or later.

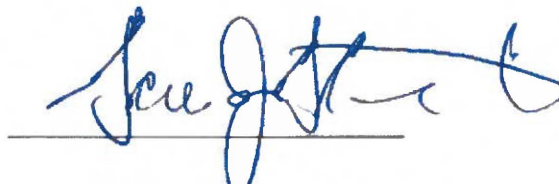
4. Dr. Wolf is requesting an extension of 60 days to file her reply brief. This would make the reply due by June 2, 2023 (the 60 day period actually runs until Sunday June 4 but we would file the reply brief by the preceding Friday). That will

give me ample time to complete the reply brief while also attending to my other matters. The extension is particularly important because this appeal involves novel constitutional issues which require thorough briefing, including issues regarding the potential mootness of the case which were not briefed in Dr. Wolf's opening brief. Per the Court's request, Dr. Wolf intends to file a brief regarding mootness by March 24, 2023.

5. I have exercised diligence in the briefing of this appeal and will continue to do so. The reply brief will be filed by June 2, 2023, if not sooner.

6. Before filing this motion, I met and conferred with all other parties' counsel about our request for an extension of time to file the reply brief. None of the parties said they would oppose the request.

Under penalty of perjury, under the laws of the United States of America, I declare that the foregoing is true and correct. Executed this 17th day of March 2023 at Pasadena, California.



Scott J. Street

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

Form 8. Certificate of Compliance for Briefs

9th Cir. Case Number(s) 22-15961

I am the attorney or self-represented party.

This brief contains **764 words**, excluding the items exempted by Fed. R. App. P. 32(f). The brief's type size and typeface comply with Fed. R. App. P. 32(a)(5) and (6).

I certify that this brief (*select only one*):

☒ [X] complies with the word limit of Cir. R. 32-1.

☐ [ ] is a **cross-appeal** brief and complies with the word limit of Cir. R. 28.1-1.

☐ [ ] is an **amicus** brief and complies with the word limit of Fed. R. App. P. 29(a)(5), Cir. R. 29-2(c)(2), or Cir. R. 29-2(c)(3).

☐ [ ] is for a **death penalty** case and complies with the word limit of Cir. R. 32-4.

☐ [ ] complies with the longer length limit permitted by Cir. R. 32-2(b) because (*select only one*):

☐ [ ] it is a joint brief submitted by separately represented parties;

☐ [ ] a party or parties are filing a single brief in response to multiple briefs; or

☐ [ ] a party or parties are filing a single brief in response to a longer joint brief.

☐ [ ] complies with the length limit designated by court order dated \_\_\_\_\_.

☐ [ ] is accompanied by a motion to file a longer brief pursuant to Cir. R. 32-2(a).

Signature: s/ Scott J. Street

Date: March 17, 2023



**CERTIFICATE OF SERVICE**

***Donald Trump, et al. v. Twitter, Inc. and Jack Dorsey***

**U.S. NINTH CIRCUIT, Case No. 22-15961**

At the time of service, I was over 18 years of age and not a party to this action. I am employed by JW Howard/Attorneys, LTD. in the County of San Diego, State of California. My business address is 600 West Broadway, Suite 1400, San Diego, California 92101.

On March 20, 2023, I caused the **APPELLANT NAOMI WOLF'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE REPLY BRIEF; DECLARATION OF SCOTT J. STREET** to be filed and served via the Court's Electronic Service upon the parties listed on the Court's service list for this case.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on March 20, 2023 at San Diego, California.

/s/ Dayna Dang

Dayna Dang, Paralegal

[dayna@jwhowardattorneys.com](mailto:dayna@jwhowardattorneys.com)